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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,784	08/22/2000	Minoru Arimura	43890-432	2433
7590	07/30/2004			
McDermott Will & Emery Michael E Fogarty 600 13th Street N W Washington, DC 20005-3096			EXAMINER CHOW, CHARLES CHIANG	
			ART UNIT 2685	PAPER NUMBER 12

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/642,784

**Applicant(s)**

ARIMURA ET AL.

**Examiner**

Charles Chow

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,8,11-12 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9,10 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Office Action for Applicant's Amendment  
Received on 5/17/2004**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6-7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland (US 6,215,993 B1) in view of Crisp (US 6,282,436 B1).

Regarding **claim 1**, Ulveland teaches a portable telephone apparatus having a movable lid (movable cover 50, Fig. 2) said portable telephone apparatus comprising a radio control circuit section (control unit 12, Fig. 2) for controlling said radio circuit section and a movable lid state detecting circuit for detecting an opening/closing state of the movable lid (detector 60, Fig. 1, col. 3, lines 45-67), when said radio control circuit section changes a responding method for responding to an incoming call from a manual responding method that requires certain operation to an automatic responding method that requires no operation when the movable lid is determined to be in an opened state based on a detection result by said movable state detecting circuit (the changing the responding method for flip 50 partial opening for preview and answering call by pressing function key, or flip 50 is complete opening for automatic answering incoming call, as shown in following. The control circuit 12 performs the steps 200-224, the detecting of cover 50 is in a partially open preview position allowing the user to view caller ID without triggering the automatic accept

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response, col. 4, lines 1-55; the partially preview position allows user to press a function key to activate a preprogrammed response in col. 5, lines 1-18; the cover open which activates a preview timer and when timer expires and incoming call is automatically answered while cover still in open position in col. 5, lines 19-35; col. 4, line 56 to col. 6, line 12). Ulveland does not teach the communication with a base station. However, Crisp teaches a radio circuit section for transmitting and receiving a signal to/from a radio base station; and a radio control circuit for controlling said radio circuit section (the microprocessor 7 in Fig. 2, as the radio control circuit for selecting a communication channel for communicating with a base station, col. 3, lines 31-35). Crisp further teaches the using multiple-purpose key 16 for answering incoming call when the slide cover is detected to be closed, col. 4, lines 15-43, the usage of any key to answering the incoming (col. 6, line 63 to col. 7, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ulveland with Crisp's selecting a communication channel and using multiple purpose key or any key to answering the incoming call, such that the call answering could be upgraded by utilizing multiple purpose key or any key.

Regarding **claim 6**, Ulveland taught in claim 1 above the partial preview cover position has a preview timer, for not activating immediately the automatic answer feature, and awaits a predetermined time before answering the incoming call.

Ulveland teaches a timer used for releasing the changed responding method after a predetermined time (in col. 5, lines 19-35; for the automatically answering incoming call after the preview timer is expired and user has not press any key input yet, for previewing of the caller's ID, col. 2, lines 1-18, Fig. 1, 2, 6, 7). The user can activate

preprogrammed responding key during the preview time period, for changing the answering method as shown in col. 2, line 14-18; col. 5, lines 28-35).

Regarding **claim 7**, Ulveland teaches the control circuit section changes the responding method for responding the incoming call, using preprogrammed function keys, depending upon the position of the slide cover, as shown above in col. 5, lines 1-18.

Regarding **claim 17**, Ulveland teaches a portable telephone apparatus having a movable lid (movable cover 50, Fig. 2) said portable telephone apparatus comprising a radio control circuit section (control unit 12, Fig. 2) for controlling said radio circuit section and a movable lid state detecting circuit for detecting an opening/closing state of the movable lid (detector 60, Fig. 1, col. 3, lines 45-67), when said radio control circuit section changes a responding method for responding to an incoming call from a manual responding method that requires certain operation to an automatic responding method that requires no operation when the movable lid is determined to be in an opened state based on a detection result by said movable state detecting circuit (the control circuit 12 performs the steps 200-224, the usual open cover to answer a incoming call; the detecting of cover 50 is in a partially open preview position allowing the user to view caller ID without triggering the automatic accept response, col. 4, lines 1-55; the partially preview position allows user to press a function key to activate a preprogrammed response in col. 5, lines 1-18; the cover open which activates a preview timer and when timer expires and incoming call is automatically answered while cover still in open position in col. 5, lines 19-35; col. 4,

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line 56 to col. 6, line 12). Ulveland does not teach the communication with a base station. However, Crisp teaches a radio circuit section for transmitting and receiving a signal to/from a radio base station; and a radio control circuit for controlling said radio circuit section (the microprocessor 7 in Fig. 2, as the radio control circuit for selecting a communication channel for communicating with a base station, col. 3, lines 31-35). Crisp further teaches the using multiple-purpose key 16 for answering incoming call when the slide cover is detected to be closed, col. 4, lines 15-43, the usage of any key to answering the incoming (col. 6, line 63 to col. 7, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ulveland with Crisp's selecting a communication channel and using multiple purpose key or any key to answering the incoming call, such that the call answering could be upgraded by utilizing multiple purpose key or any key.

2. Claims 2, 10, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp in view of Phillips (US 5,987,311).

Regarding **claim 2**, Crisp taught above in claim 1 the radio circuit for transmitting and receiving a signal to/from a radio base station, and a radio control circuit section for controlling said radio circuit (the microprocessor 7 in Fig. 2, as the radio control circuit for controlling the radio circuit, transceiver 7 to/from the base station, col. 3, lines 31-35). Crisp does not teach the antenna state detecting circuit and the changes a responding method for responding to an incoming call based on antenna detection. However, Phillips teaches a portable cellular telephone (abstract) having the antenna detection circuit (figure in cover page) for detecting an extending/contraction state of

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the extensible antenna (col. 4, lines 15-43) for enabling/disabling keypad 16 for answering call. Phillips teaches the changes of a responding method for responding incoming based upon the detected antenna position (as shown in col. 6, lines 53-58, the incoming telephone call will be answered by extending the antenna to the extending state). Further, Phillips teaches the software could be configured for answering call when the antenna's position is changed, does not matter with the antenna's position is at extended or closed position (col. 5, lines 27-31). Phillips provides the solution for conveniently answering the incoming call based on the antenna position (col. 1, line 55 to col. 2, line 66), and using software, such that user could efficiently answer the incoming call. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change such that the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp with Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position. Crisp taught above in claim 1 the radio circuit for transmitting and receiving a signal to/from a radio base station, and Ulveland taught in claim 1 a radio control circuit section for controlling said radio circuit.

Regarding **claim 10**, Crisp does not teach the extensible antenna for the changing method of a responding method. However, Phillips teaches the changes of a responding method for responding incoming based upon the detected antenna position (as shown in col. 6, lines 53-58, the incoming telephone call will be answered by

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extending the antenna to the extending state), the detecting an extending/contraction state of the extensible antenna (col. 4, lines 15-43) for enabling/disabling keypad 16 for answering call. Further, Phillips teaches the software could be configured for answering call when the antenna's position is changed, does not matter with the antenna's position is at extended or closed position (col. 5, lines 27-31). Phillips provides the solution for conveniently answering the incoming call based on the antenna position (col. 1, line 55 to col. 2, line 66), and using software, such that user could efficiently answer the incoming call. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change such that the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp with Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position.

Regarding **claim 16**, Ulveland taught in claim 1 above, the changing method from certain operation manual responding to no operation automatic responding.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Crisp, and further in view of Phillips-'311

Regarding **claim 5**, Ulveland taught in claim 1 above a portable telephone apparatus having a flip lid, a radio control circuit section<sup>12</sup> for controlling radio circuit section, a flip lid state detecting 60 for detecting an open/closing state of the flip lid, wherein



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said radio control circuit section change a responding method for responding to an incoming call when opening the flip lid. Crisp taught above in claim 1 the radio circuit section for transmitting or receiving signal to/from a radio base station. Ulveland and Crisp do not teach the antenna freely load, unload, the extendible antenna. Phillips taught above the antenna freely loaded, unload, the extending the extendible antenna are determined based on detection results of the antenna position for answering call, for changing the responding method by configuring the software to answer the incoming call, as shown above. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change such that the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ulvelan, Crisp with Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position.

6. Claims 9, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crisp (US 6,282,436 B1) in view of Johnson et al. (US 2002/0132,633).

Regarding **claim 9**, Crisp teaches a changing method of a responding method (the slide cover is open for using key 11a to answering the incoming call, and using multiple-purpose key 16 for answering incoming call when slide cover is detected to be closed, col. 4, lines 15-43; the any key mode, the answering call using multi-purpose key 16 or power control key 50 when sliding sleeve 3 is in close position,

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and answering call using any-key when sliding sleeve 3 is in open position, col. 6, line 63 to col. 7, line 15; col. 4, lines 15-43) of a portable telephone apparatus having a movable lid (50), said changing method of comprising the steps of determining of an open/closing state of the movable lid ((step 208, Fig. 7). Crisp does not teach automatic responding method for responding to an incoming call. However, Johnson teaches the changing the responding method for responding to an incoming call from a manual responding method that requires a certain operation to an automatic responding method that requires no operation when movable lid is determined to in an open state, the circuit for detecting the positions of the cover 2, having the guide rail, such that the call answering method can be changed based on the position of cover 2 (abstract, summary of invention). Johnson teaches the cover 2 of the radiotelephone is in closed position and using button 6 for manually answering incoming call, and when cover 2 is in extended position, the incoming call is automatically answered by sliding the cover 2 outwards (abstract, [0036, 0038]). Johnson teaches the efficiently technique for answering incoming call by with the sliding cover extended (background of invention, summary of invention). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crisp to Johnson's cover 2 position for changing the manually answering of the incoming call to automatic answering the incoming, such that the portable telephone could efficiently answer incoming call automatically. Regarding **claim 14**, Ulvelan has taught above in claim 1, the changing method for releasing the changed responding after the timer expires. Ulveland has explained the

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method in his steps in Fig. 6, 7 for the changing method of using the previewing timer for caller ID for answering call.

Regarding **claim 15**, Crisp taught the changing method from pressing a predetermined specific key to plurality of any keys, by using the specific key 11a, the any keys, for answering incoming call (col. 6, line 63 to col. 7, line 15).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Phillips-'311.

Regarding **claim 13**, Ulveland taught in claim 1 above a changing method of responding method of a portable telephone apparatus having flip lid 50, changing the responding method for responding to an incoming call when open flip 50 (the changing the responding method for flip 50 partial opening for preview and answering call by pressing function key, or flip 50 is complete opening for automatic answering incoming call, as shown in following. The control circuit 12 performs the steps 200-224, the detecting of cover 50 is in a partially open preview position allowing the user to view caller ID without triggering the automatic accept response, col. 4, lines 1-55; the partially preview position allows user to press a function key to activate a preprogrammed response in col. 5, lines 1-18; the cover open which activates a preview timer and when timer expires and incoming call is automatically answered while cover still in open position in col. 5, lines 19-35; col. 4, line 56 to col. 6, line 12; the detecting 60 for detecting an open/closing state of the flip lid) Ulveland does not teach the antenna freely load, unload, the extendible antenna. Phillips taught above the antenna freely loaded, unload, the extending the extendible

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antenna are determined based on detection results of the antenna position for answering call for changing the responding method by configuring the software to answer the incoming call, as shown above. Phillips teaches the software for configuring to answering incoming call based upon antenna's position change such that the portable telephone could efficiently answer the incoming call by changing the antenna's position. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Ulvelan with Phillips' software for configuring to answering incoming call based upon antenna's position change, such that the portable telephone could efficiently answering the incoming call by changing the antenna's position.

***Allowable Subject Matter***

8. Claims 3-4, 8, 11-12, 18 are allowable over the prior art of record, the prior art fails to teach singly, particularly, or in combination, the subject matter, for the a flip lid state detecting and a plug detecting, the control circuit section changes a responding method for responding to an incoming call when opening the flip and putting the plug are determined based on detection results by said flip-lid state detecting circuit and plug detecting circuit; determining a extension/contraction state of the extensible antenna and a state of putting plug into the earphone jack and changing the responding method for responding to an incoming call; the movable lid state detecting and a plurality of keys.

The closest patent to Ulveland (US 6,215,993 B1 teaches a portable telephone apparatus having a movable cover 50, Fig. 2, a detector 60 (Fig. 1, col. 3, lines 45-67), for changing the responding method for flip 50 partial opening for preview and

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answering call by pressing function key, or flip 50 is complete opening for automatic answering incoming call, as shown in following. The control circuit 12 performs the steps 200-224, the detecting of cover 50 is in a partially open preview position allowing the user to view caller ID without triggering the automatic accept response, col. 4, lines 1-55; the partially preview position allows user to press a function key to activate a preprogrammed response (col. 5, lines 1-18). Ulveland fails to teach the multiple detector for detecting the flip lid state and the detecting the plug in of earphone jack, or the extension/contraction state of the extensible antenna and a state of putting plug into the earphone jack, for changing the method for responding to an incoming call. The dependent claim 8 is also allowable due to their dependency upon the independent claim.

Other prior arts in below has been considered, but they fail to teach the above claimed features.

Crisp ((US 6,282,436 B1) teaches the using multiple-purpose key 16 for answering incoming call when the slide cover is detected in closed state (col. 4, lines 15-43, the usage of any key to answering the incoming when slide is open (col. 6, line 63 to col. 7, line 15). Crisp fails to teach the multiple detector for detecting the flip lid state and the detecting the plug in of earphone jack, or the extension/contraction state of the extensible antenna and a state of putting plug into the earphone jack, for changing the method for responding to an incoming call.

***Response to Arguments***

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9. Applicant's arguments with respect to claims 1-2, 5-10, 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's argument and the amended claim 1, which changes much of the meaning of the claimed feature, based on the argument for the no teachings for the movable lid is determined to be (shall be) in an opened state, not the act of opening the flip-lid, for changing the response to answer a incoming call to a automatic responding method; and the no teachings for the predetermined period of time before accepting the incoming call for the automatic answering is not activated immediately when the cover is opened, the ground of rejection has been changed by using patent to Ulveland (US 6,215,993).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

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Washington, D.C. 20231

or faxed to: (703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow C.C.

July 09, 2004.

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600